

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/16/2018

BOARD MEMBERS PRESENT: Gail L King– Vice-Chair
Marcia C Garey
Mary Jo White, D.C.

BOARD MEMBERS ABSENT: Linda A Chatburn – Chair
Carla A Steen

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Candace Villarreal, Board Specialist

The meeting was called to order at 09:54 AM MDT by Gail King.

APPROVAL OF MINUTES

Dr. White made a motion to approve the minutes of 5/14/2018. It was seconded by Ms. Garey. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit legislative ideas to the Governor's Office was July 13, 2018 and the deadline to submit proposed law and rule changes to the Governor's Office is August 17, 2018 for the 2019 Legislative Session.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory said that the Executive Order report was submitted to the Governor and Lt. Governor prior to July 1 and it has been linked on the Board's main webpage. Ms. Cory updated the Board on the legislative interim committee on occupational licensing and certification laws. The Occupational Licensing & Certification Laws Committee met on June 22. Ms. Cory was invited to present on the process and executive order reports for the Boards served by the Bureau. It also heard from Greg Wilson, chief of staff to Lieutenant Governor Little; Albert Downs, policy specialist for the National Conference of State Legislatures; and Patrick Grace, regional manager for the Division of Building Safety.

In her presentation before the Committee, Ms. Cory noted that 29 of the 30 Boards served by the Bureau had submitted their reports. She let the Board know that all of the reports were submitted before the July 1 deadline and each Board's report has been posted to its website.

Comments by the Committee included that its efforts appeared to be on a parallel track with those of the executive order, and committee members outlined a framework where each of them would take a few reports to review with members of the Boards who wrote them. The co-chairs encouraged legislators on the committee to volunteer to review reports where they felt like they had a connection to the occupation or had constituents who serve on the Board.

The Committee set its next meeting for Tuesday, August 7.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$333,249.29 as of 6/30/2018.

CONTRACT RENEWAL

Ms. Hall presented the 2019 fiscal year Board Contract. Dr. White made a motion to approve the contract and allow the Vice-Chair to sign on behalf of the Board. It was seconded by Ms. Gary. Motion carried.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number MAS-2018-23. After discussion, the Board gave recommendations for appropriate discipline.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Peel presented I-MAS-2018-32. Dr. White made a motion to authorize closure. It was seconded by Ms. Garey. Motion carried

Ms. Peel presented a Findings of Fact, Conclusions of Law and Final Order regarding case number MAS-2018-26. Ms. Garey made a motion to approve the Final Order and allow the Vice-Chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

Ms. Peel presented a CEU Consent Order in case MAS-2018-24. Ms. Garey made a motion that the Board accept the settlement order and allow the Vice-Chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

OPEN MEETING LAW

Ms. Callahan reviewed HB611 that made changes to the open meeting law regarding meeting notices and agendas. Changes effective July 1, 2018 included: notices and agendas must be posted online if the agency has an online presence; identification of all “action Items” must be noted on the agenda; and final action may not be taken on an agenda item added after the start of the meeting unless an emergency is declared.

OLD BUSINESS

TO DO LIST

The Board reviewed the To Do List and no action was taken.

PROPOSED LAWS AND RULES

The Board discussed Proposed Laws and Rules and that the Board will not have any Proposals this year.

NEW BUSINESS

NEXT MEETING is scheduled for September 17, 2018 at 8:30 AM MST

ANOTHER MEETING is scheduled for November 19, 2018 at 8:30 AM MST

FEDERATION OF STATE MASSAGE THERAPY BOARDS MASSAGE THERAPY LICENSING DATA BASE

Discussion was held regarding a request from the FSMTB for Idaho participation in the FSMTB “Matilda” Data Base. Ms. Garey made a motion to send a response that Idaho will not participate. It was seconded by Dr. White. Motion carried.

CORRESPONDENCE

GUA SHA AND GUA SHA AND CUPPING COURSE

The Board reviewed courses submitted in a letter from a licensee to determine if the courses are germane to the practice of massage therapy. Ms. Garey made a motion to draft a letter to the licensee stating the Gua Sha course is not germane to the practice of massage therapy and that the Gua Sha and Cupping course review is tabled pending further research and additional information. The Board also requested a course approval application. It was seconded by Dr. White. Motion carried.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS REGULATORY LAW SEMINAR

Discussion was held on attendance at the FARB seminar to be held September 27-29 in Portland, Oregon. Following discussion, the Board decided they would not send a representative to this meeting.

COALITION OF NATIONAL MASSAGE THERAPY ORGANIZATIONS ENDORSED CURRICULUM HOURS

A letter from Susan Beck was reviewed by the Board regarding COMTA recommendation of school hours. No Action was taken.

FEDERATION OF STATE MASSAGE THERAPY BOARDS EXAM DEVELOPMENT REVIEW MEETING

The Board discussed the FSMTB Exam Development Review meeting being held July 27, 2018 in Las Vegas, Nevada. It was decided that while the Board would find this meeting value added, they would not attend this year's meeting because there was not enough notice provided for the Board to approve attendance and RSVP. The Board also acknowledged correspondence from Dr. Debra Persinger, executive director of the FSMTB that next year the FSMTB staff will send the meeting notices out earlier so a timely response can be made by the Board regarding attendance.

FEDERATION OF STATE MASSAGE THERAPY BOARDS MBLEX SCORE REPORT UPDATED

The Board reviewed an announcement regarding changes to MBLEx score reports from the FSMTB. The score reports sent to the Bureau will no longer reflect actual tests scores and will show only a pass/fail. No Action was taken.

FEDERATION OF STATE MASSAGE THERAPY BOARDS ANNUAL MEETING

The Board reviewed correspondence from the Federation of State Massage Therapy Boards regarding the FSMTB Annual Meeting being held in Salt Lake City October 4-6, 2018. Dr. White made a motion to send the Board Chair as the voting delegate and Marcia Garey. In the event the Board Chair cannot attend, Marcia Garey will be the assigned as the delegate and one other Board member may choose to attend. It was seconded by Ms. Garey. Motion carried.

REQUEST FOR ADDITIONAL REVIEW OF APPROVED COURSES, COURSE ID 11042, 11040 AND 11338

The Board reviewed a letter written by Clair Miller of Clair Miller Seminars requesting additional review of previously approved courses regarding hours granted for one course and addition of a new instructor to all courses. The Board discussed that all decisions by the Board are final regarding course approval applications. Ms. Garey made a motion for the Bureau to respond that for additional review of a course due to changes in the course curriculum, instructors or other information would require a new course approval application be submitted. It was seconded by Dr. White. Motion carried

BREAST MASSAGE AND DRAPING

The Board reviewed a letter written by J. Homer regarding legal questions on scope of practice and breast massage. Following discussion, the Board directed the Board Specialist to send a reply to please review the ethical requirements contained in State Licensure Laws and Rules, and to say that, the Board does not provide private legal opinions or advice regarding scope of practice. If Mr. Homer has more questions he can seek legal counsel for advice concerning how the laws and rules governing the practice of massage therapy apply to specific situations.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Garey. The vote was: Dr. White, aye; Ms. Garey, aye; and Ms. King, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Ms. Garey. . The vote was: Dr. White, aye; Ms. Garey, aye; and Ms. King, aye. Motion carried.

CONTINUING EDUCATION WAIVER REQUEST

The Board reviewed a request for waiver of CE. Ms. Gary made a motion to request additional information. Once the new information is received the request will be considered in the Board meeting following receipt of the documents. It was seconded by Dr. White. Motion carried.

CE COURSE APPROVAL APPLICATIONS

Ms. Garey made a motion to deny the following Course Approval Application:

15893 Reflexology Basics

It was seconded by Dr. White. Motion carried.

Ms. Garey made a motion to approve the following Course Approval Applications:

15894 Ethics Online Marketing

It was seconded by Dr.White. Motion carried.

BOARD ELECTIONS

Ms. Garey made a motion to table elections to the next Board meeting. It was seconded by Dr. White. Motion carried.

APPLICATIONS

Dr. White made a motion to approve the following applications for licensure:

Asay, Todd	MASA-3532
Bailey, Carynne	MASA-3533
Ball, Anna	MASA-3521
Barnard, Correna	MASA-3518
Beckstead, Jennifer	MASA-3513
Belnap, Rylee	MASA-3530
Bouma, Kendra	MASA-3553
Brandt, Janelle	MASA-3555
Brownfield, Cynthia	MASA-3551
Calderwood, Katie	MASA-3523
Charland, Tanaia	MASA-3524
Clegg, Mikesell	MASA-3534
Collins, Sarah	MASA-3529
Cox, Brianna	MASA-3552
Dalke, Marie	MASA-3562
Dawson, Jaclyn	MASA-3528
Dennis, Miles	MASA-3503
Ellis, Natalie	MASA-3541
Etcheverry, Joseph	MASA-3570
Etheridge, Chandler	MASA-3556
Evensvold, Kim	MASA-3558
Forbush, Raine	MASA-3572
Hawk, Suzanne	MASA-3545
Holloway, Kyndra	MASA-3539
Kearl, Jordan	MASA-3535
Kim, Eunock	MASA-3538
Larson, Karen	MASA-3520
Marino, Amber	MASA-3531
Mathews, Ciera	MASA-3536
Mickelsen, Julia	MASA-3567
Morrison, Sheila	MASA-3557

Murillo, Maria	MASA-3575
Murphy, Hailey	MASA-3517
Owsley, Jessica	MASA-3565
Reitan, Gaia	MASA-3544
Reynolds, Destiny	MASA-3560
Roberts, Mary	MASA-3568
Roe, Sean	MASA-3557
Scherwitz, John	MASA-3569
Smith, Cathleen	MASA-3540
Tai, Leung Sum	MASA-3543
Walker Kathryn	MASA-3550
Wiser, Patricia	MASA-3546
Xu, Ting	MASA-3549
Zhang, Tao	MASA-3564

It was seconded by Ms. Garey. Motion carried

Dr. White made a motion to approve the following applications for licensure:

Rogers, Trent	MASA-3516
---------------	-----------

It was seconded by Ms. Garey. Ms. King abstained from voting and discussion.
Motion carried.

Dr. White made a motion to table the following applications for licensure pending receipt of additional information:

901-160-454
901-159-841

It was seconded by Ms. Garey. Motion carried

Ms. Garey made a motion to approve pending receipt of additional information the following applications:

901-157-863
901-160-019
901-160-112
901-159-711
901-159-243
901-159-124
901-160-276
901-160-252
901-159-962
901-159-060
901-159-245

It was seconded by Dr. White. Motion carried.

Ms. Garey made a motion to approve the following applications for licensure:

Morrison, Hailey	MASA-3566
Phythian, Kimberly	MASA-3514
Rasmussen, Ashelee	MASA-3515

It was seconded by Dr. White. Ms. King abstained from voting and discussion. Motion carried.

Ms. Garey made a motion to approve pending receipt of additional information the following applications for licensure:

901-159-241
901-160-516

It was seconded by Dr. White. Ms. King abstained voting and discussion. Motion carried.

ADJOURNMENT

Ms. Garey made a motion to adjourn the meeting at 2:23 PM MST. It was seconded by Dr White. Motion carried.

Linda A Chatburn, Chair

Marcia C Garey

Gail L King

Carla A Steen

Mary Jo White, D.C.

Tana Cory, Bureau Chief